

### **REMARKS**

Applicant respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-24 are pending in this application. Claims 1-4, 7-12, 14-20, 22-24 stand rejected. Claim 21 is allowed. By this amendment, claims 2, 5, 9-17 and 21-23 are cancelled, i.e., claims 1, 3, 4, 6-8, 18-20 and 24 are remaining. Among the remaining claims, claims 1, 18 and 24 are independent. Claims 1, 3, 4, 6, 7, 18, 19 and 24 are amended. No new matter has been added by this amendment.

#### **Rejection under 35 U.S.C. §102**

Claims 1-4, 8-12, 14-20 and 22-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,357,311 to Shiraishi ("Shiraishi").

Claims 2, 9-12, 14-17 and 21-23 have been cancelled by this amendment rendering the rejections directed to these claims moot.

Independent claims 1, 18 and 24 have been amended for further clarification. In particular, each of independent claims 1, 18 and 24 as amended now recites the elements of allowed claim 21, i.e., "the distance A meets the following equation:  $0 < A \leq k_1 \times (D / S) \times (\lambda / NA^2)$ , where D is a hole diameter of the contact-hole pattern, S is a hole diameter of the auxiliary pattern, P is a half-pitch of the contact-hole pattern and auxiliary pattern,  $\lambda$  is a wavelength of the light from the light source, NA is a numerical aperture of the projection optical system, and  $k_1 = (NA / \lambda) \times P$ ."

Accordingly, Applicant believes that claims 1, 18 and 24 are also allowable over the cited reference for at least the similar reason to allowed claim 21.

Reconsideration and withdrawal of the rejections of claims 1, 18 and 24 under 35 U.S.C. §102(b) is respectfully requested.

**Rejection under 35 U.S.C. §103**

Claims 7, 16 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi or U.S. Patent No. 6,355,382 to Yasuzato et al. ("Yasuzato").

Claim 16 has been cancelled rendering the rejection directed to this claim moot.

As discussed above, amended claims 1 and 18, from which claims 7 and 20 depend, respectively, are believed allowable over the cited art of records. Accordingly, claims 7 and 20 are also believed allowable for the similar reasons to claims 1 and 18 as discussed above.

Reconsideration and withdrawal of the rejections of claims 7 and 20 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of all of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections should such be necessary.

Claims 5 and 13 have been objected to as depending from rejected base claims. Applicant respectfully submits that claims 5 and 13 have been cancelled by this amendment. Withdrawal of the objection is respectfully requested.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

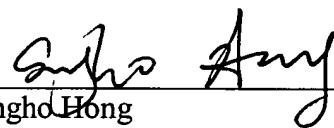
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5093). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: August 12, 2004

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